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7 Attorneys for Defendants

8 CITY AND COUNTY OF SAN FRANCISCO,

9 SHERIFF MICHAEL HENNESSEY (IN HIS

10 OFFICIAL CAPACITY ONLY), SHERIFF'S

11 DEPUTY SCOTT NEU

12 UNITED STATES DISTRICT COURT

13 KYLE ADAMS, Case No. 08-CV-3696 PJH

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN  
17 FRANCISCO, A Municipal Corporation,  
18 SHERIFF MICHAEL HENNESSEY, In  
19 His Official Capacity As Sheriff For The  
20 City And County Of San Francisco,  
21 SCOTT NEU, Individually And In His  
22 Official Capacity As A San Francisco  
23 Sheriff's Department Deputy For The City  
24 And County Of San Francisco, DOES 1-  
25 50, Inclusive, Individually And In Their  
26 Official Capacities For The City And  
27 County Of San Francisco,

28 Defendants.

STIPULATION AND [PROPOSED] ORDER  
TO CONTINUE SETTLEMENT  
CONFERENCE

Date Action Filed: August 1, 2008

Trial Date: August 2, 2010

1       The undersigned parties, through counsel, STIPULATE and AGREE and jointly request  
2 modification of Magistrate Judge Joseph Spero's November 7, 2008 Notice of Settlement Conference  
3 and Settlement Conference Order to continue the settlement conference from February 4, 2009 to  
4 April (with the exception of April 6, 13, 20, 24 and 27) or beyond if more convenient for the Court.

5           The parties make this request based on the following circumstances:

6       1.       On November 10, 2008, Judge Phyllis Hamilton ordered a settlement conference with  
7 Magistrate Judge Spero within 120 days, or as soon thereafter as is convenient for Judge Spero.

8       2.       On November 7, 2008, Magistrate Judge Spero ordered that a Settlement Conference  
9 be held on February 4, 2009 at 9:30 a.m. Settlement conference statements are due fourteen days  
10 prior to the settlement conference, or on January 21, 2009.

11       3.       Defense counsel Robert A. Bonta has been on parental leave since December 18, 2008  
12 and just returned to the office on January 20, 2009. Defendants have not yet had the opportunity to  
13 depose plaintiff Kyle Adams, who is in custody at San Quentin State Prison. Defense counsel and  
14 plaintiff's counsel are currently working to arrange the deposition of Mr. Adams for either late  
15 February or early March 2008. In order for the settlement conference to be beneficial, defendants  
16 need to complete the deposition of plaintiff.

17       4.       This is the first time the parties have requested a modification of the settlement  
18 conference date. No other dates will be affected by this requested change.

19           For the aforementioned reasons, the parties jointly request that the settlement conference  
20 currently scheduled for February 4, 2009 be continued to April (with the exception of April 6, 13, 20,  
21 24 and 27) or beyond if more convenient for the Court.

1 **SIGNATURE PAGE TO STIPULATION AND [PROPOSED] ORDER TO CONTINUE**  
2 **SETTLEMENT CONFERENCE**

3  
4 **STIPULATED AND AGREED:**

5 Dated: January 23, 2009

6 DENNIS J. HERRERA  
7 City Attorney  
8 JOANNE HOEPER  
9 Chief Trial Deputy  
ROBERT BONTA  
SEAN F. CONNOLLY  
Deputy City Attorneys

10 By: s/Robert Bonta

11 ROBERT BONTA  
12 Attorneys for Defendants  
13 CITY AND COUNTY OF SAN FRANCISCO,  
14 SHERIFF MICHAEL HENNESSEY (IN HIS  
OFFICIAL CAPACITY ONLY), SHERIFF'S DEPUTY  
SCOTT NEU

15 Dated: January 23, 2009

16 LAW OFFICES OF JOHN L. BURRIS  
ADANTE POINTER

17 By: s/Adante Pointer

18 ADANTE POINTER  
Attorneys for Plaintiff  
KYLE ADAMS

## ORDER

Pursuant to stipulation, and for good cause appearing, IT IS ORDERED that the Settlement Conference be continued from February 4, 2009 to April 7, 2009, at 9:30 a.m.

All provisions of the Court's original Notice & Settlement Conference order shall remain in effect.

DATED: Jan. 23, 2009

